

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 HILARY A. BEST, :
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 Plaintiff, :
 -against- :
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 JAMES MERCHANT, *New York City Correction* :
Officer, Shield #8237, et. al., :
 :
 Defendants. :
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USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 12/9/2022

1:21-cv-779-GHW

MEMORANDUM OPINION &
ORDER

GREGORY H. WOODS, United States District Judge:

The Court has issued a memorandum order and opinion in in this case partially granting Defendants' motion to dismiss. *See* Dkt. No. 84. That opinion, however, did not address Plaintiff's claims against John and Jane Doe defendants, as those defendants have not yet been served, and have accordingly not yet filed an appearance in this case.

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the New York City Department of Corrections to identify the John Doe Defendants who allegedly transferred Plaintiff from Rikers Island to Creedmoor Psychiatric Center on or about December 4, 2012. *See* Dkt. No. 58 at 4. It is therefore ordered that the New York City Law Department, which is the attorney for and agent of the New York City Department of Corrections, must ascertain the identity and badge number of each John Doe whom Plaintiff seeks to sue here and the address where the defendant may be served. The New York City Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendants. The amended complaint will replace, not supplement, the original

complaint. An amended complaint form that Plaintiff should complete is attached to this order.

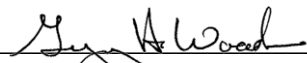
Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order asking Defendants to waive service.

To be clear, this order concerns Plaintiff's obligation to amend his complaint to add allegations against John and Jane Doe defendants once he receives information about those defendants. It does *not* relieve Plaintiff of his obligation, under the Court's memorandum opinion, to file an amended complaint within twenty-one days of that opinion repleading any claims against Defendant Fontanez and the City of New York which he has been given leave to replead. *See* Dkt. No. 84 at 17-18.

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: December 9, 2022
New York, New York



GREGORY H. WOODS
United States District Judge